

Message Text

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INFO OCT-01 ISO-00 /001 R

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DRAFTED BY: ARA/PAN:SMOREYBELL:ZC:HE

APPROVED BY: THE ACTING SECRETARY

S/AB-AMB. BUNKER

ARA:WDROGERS

S/S:O P JOHNSON

S:P. BARBIAN (PHONE)

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TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 180558 TOSEC 080205

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E.O. 11652: GDS

TAGS: PFOR, PN

SUBJECT: REVISED ACTION MEMORANDUM: PANAMA - PROPOSED

MESSAGE TO TORRIJOS(S/S 7515366)

REF: TOSEC 80145

FOR THE SECRETARY FROM INGERSOLL AND ROGERS

1. THE PROBLEM: THE DEPARTMENT OF DEFENSE HAS NOT YET COME FORWARD WITH COMPROMISE LAND USE POSITION, AND WANTS MORE TIME. WE HAVE AGREED ON A STATE-DEFENSE MEETING AUGUST 5. RECOMMEND THAT PROPOSED MESSAGE TO TORRIJOS BE SENT BY BILL JORDAN, STATING THAT PRESIDENT HAS AUTHORIZED RESUMPTION OF NEGOTIATIONS AND THAT BUNKER WILL RETURN TO PANAMA DURING FIRST HALF OF SEPTEMBER.

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2. DISCUSSION:

A. CLEARLY, IF WE COULD TELL THE PANAMANIAN THAT THE NEGOTIATIONS WOULD BE RESUMED BY PRESIDENTIAL DECISION, AND COULD GIVE THEM A DATE FOR BUNKER'S RETURN, THIS WOULD BE VERY MUCH TO THE GOOD.

B. SUCH A MESSAGE MIGHT WELL FORESTALL TORRIJOS' RECALL OF HIS AMBASSADOR TO WASHINGTON. WE HAVE BEEN CONCERNED THAT A RECALL BEFORE THE VOTE ON THE BYRD AMENDMENT WOULD BE DAMAGING, BUT HAD HOPED THAT THE DAMAGE WOULD BE MORE LIMITED IF THE RECALL SURFACED AFTER THE VOTE. YESTERDAY, SENATE DEBATE AND VOTE ON THE AMENDMENT WAS PUT OVER UNTIL AFTER THE RECESS, UNDER THREAT OF A FILIBUSTER BY BYRD. OUR LAST HEADCOUNT HAD INDICATED THAT THE AMENDMENT WOULD

BE DEFEATED IF THE VOTE HAD BEEN TAKEN YESTERDAY, PERHAPS BY A QUITE SIZEABLE MAJORITY. CONGRESSIONAL CONSIDERATION OF THE MATTER SHOULD NOT INTERFERE, AS YOU SAID IN EFFECT IN MINNEAPOLIS, IN THE EXECUTIVE'S CONTINUING DISCHARGE OF ITS TREATY-MAKING RESPONSIBILITIES. BUT AS LONG AS THE BYRD AMENDMENT HANGS OVER US LIKE THE SWORD OF DAMOCLES, WE SHOULD MAKE SPECIAL EFFORTS TO AVOID THE RECALL. WHILE THE IMPACT ON OUR CONGRESS OF A RECALL COULD BE SARP AND ADVERSE, THE EFFECT ON THE NEGOTIATIONS AND ON THE INTERNATIONAL CLIMATE COULD BE MORE SO. A RECALL WOULD BE ONE SHORT STEP AWAY FROM BREAKING RELATIONS ALTOGETHER, AND AS SUCH COULD NOT HELP BUT POISON THE FINE NEGOTIATING ATMOSPHERE WHICH OUR NEGOTIATORS HAVE SO CAREFULLY CREATED. THIS IS THE SECOND CONSIDERATION IN FAVOR OF A MESSAGE THAT THE NEGOTIATIONS WILL BE DEFINITELY RESUMED.

C. UNFORTUNATELY WE HAVE NOT YET HAMMERED OUT WITH DEFENSE THE AGREED POSITION YOU HAD ASKED US TO WORK TOWARD. DOD/ISA DEPUTY ASSISTANT SECRETARY JORDEN TELEPHONED INGERSOLL THIS MORNING TO SAY THAT BOTH THE CANAL ZONE GOVERNOR AND THE SOUTHCOM CINC, WHEN ASKED FOR RECOMMENDATION FOR A NEW POSITION ON LAND/WATER AREAS, CAME BACK WITH A RECOMMENDATION FOR NO CHANGE, SO THAT THE DEFENSE

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DEPARTMENT NOW HAS TO GO BACK TO THEM WITH INSTRUCTIONS TO COME UP WITH A QUOTE FLEXIBLE UNQUOTE POSITION. JORDEN SAID THAT TO ACCOMPLISH THIS HE NEEDS A FEW MORE DAYS' TIME.

D. WE ARE MINDFUL OF YOUR INSISTENCE THAT THERE BE AN AGREED STATE-DEFENSE PAPER ON YOUR DESK WHEN YOU RETURN. BUT IT SEEMS WORTH WAITING A FEW MORE DAYS TO TRY TO SE-

CURE A BETTER LAND OFFER FROM DEFENSE. GIVEN ITS NEED TO DERIVE NEW DATA FROM CANAL ZONE AUTHORITIES AND THEN REVIEW IT, COUPLED WITH THE FACT THAT CLEMENTS WILL BE ABSENT FROM WASHINGTON UNTIL AUGUST 4 AND HAS TO APPROVE THE NEW DEFENSE POSITION, WE HAVE AGREED ON A STATE-DEFENSE MEETING ON AUGUST 5.

E. THEREAFTER INGERSOLL TALKED TO GEORGE BROWN'S DEPUTY (BROWN IS ALSO AWAY) TO EMPHASIZE THE NEED FOR SPEED.

F. WE ARE FEARFUL, HOWEVER, THAT THE NEW DEFENSE POSITION MAY NOT PERMIT AN QUOTE AGREED UNQUOTE STATE/DEFENSE PAPER TO BE PRODUCED FOR YOU. JORDEN TOLD DEPUTY NEGOTIATOR BELL LATER THIS MORNING THAT THE MOST DEFENSE WILL

LIKELY DO IS CITE SOME SPECIFIC QUOTE PARCELS UNQUOTE OF LAND/WATER WHICH COULD BE ADDED TO THE EXISTING LAND . OFFER, TOGETHER WITH SOME SPECIFIC QUOTE ARRANGEMENTS UNQUOTE WHICH COULD BE ENTERED INTO WITH PANAMA, THEN IDENTIFY WITH RESPECT TO EACH PARCEL OR ARRANGEMENT THE DEGREE OF RISK ASSOCIATED WITH MAKING IT AVAILABLE TO PANAMA.

G. UNDER THIS PROCEDURE, PRESUMABLY, IT WOULD BE FOR THE PRESIDENT TO DECIDE WHICH RISKS TO TAKE AND WHICH NOT. BUT JORDEN MADE CLEAR TO BELL THAT NO ONE IN THE PENTAGON, SO FAR AS HE COULD JUDGE, WAS GOING TO BE WILLING TO MAKE RECOMMENDATIONS TO THE PRESIDENT ON WHERE TO DRAW THE LINE. WE CAN HOPE THAT CLEMENTS AND BROWN, WHEN THEY ADDRESS THE MATTER, WILL THINK MORE POSITIVELY, BUT OF THAT WE CANNOT BE CERTAIN.

H. WE ASSUME THAT IT WOULD BE IN ORDER FOR THE NEGOTIATORS AND STATE TO COMMENT ON WHETHER THE DEFENSE DE-
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PARTMENT'S IDENTIFICATION OF RISKS APPEARED VALID, AND MAKE RECOMMENDATIONS ON WHERE TO DRAW THE LINE BETWEEN QUOTE TAKABLE UNQUOTE AND NON QUOTE TAKABLE UNQUOTE RISKS.

I. THIS PROCEDURE DOES NOT SEEM TO US TO BE AT ALL CONSISTENT WITH THE PRESIDENT'S INTENTIONS AND THE UNDERSTANDINGS REACHED AT THE LAST NSC MEETING. AND IT CERTAINLY DOES NOT AUGUR WELL FOR A SPEEDY RESOLUTION OF THE DIFFERENCES OVER LAND/WATER AND FOR GETTING BUNKER BACK TO PANAMA BEFORE THE ALREADY DETERIORATING POSITION DETERIORATES FURTHER.

J. IT IS WORTH NOTING AT THIS POINT THAT WERE BUNKER TO RETURN TO PANAMA WITHOUT AN IMPROVEMENT IN THE LAND

OFFER, THAT WOULD VERY LIKELY PRODUCE THE BREAKDOWN IN NEGOTIATIONS WHICH TORRIJOS IS ON THE POINT OF CHARGING. NOR ARE THERE ANY OTHER ISSUES WHICH HE COULD DISCUSS. FOR EXAMPLE, HE COULD NOT DISCUSS DURATION BECAUSE OUR CONCESSION ON DURATION (OPERATION) IS NEEDED TO OBTAIN PANAMA'S AGREEMENT TO EVEN AN QUOTE IMPROVED UNQUOTE LAND OFFER.

K. AS FOR THE EFFECT OF THIS DEVELOPMENT ON THE PROPOSED MESSAGE TO TORRIJOS, WE CONTINUE TO BELIEVE IT SHOULD BE SENT. BELIEVE WE SHOULD ALLOW BILL JORDEN TO CONVEY THE MESSAGE TO TORRIJOS ORALLY ON THE PRESIDENT'S BEHALF.

3. RECOMMENDATION: THAT YOU AUTHORIZE ROGERS TO INSTRUCT JORDEN TO DELIVER A MESSAGE TO TORRIJOS AT THE EARLIEST POSSIBLE OPPORTUNITY WITH THE FOLLOWING POINTS:

(A) THE UNITED STATES NEGOTIATORS HAVE NOW VIRTUALLY COMPLETED THE CONSULTATIONS WITHIN THE EXECUTIVE BRANCH WHICH ARE REQUIRED IN ANY NEGOTIATION AS COMPLEX AND IMPORTANT AS THE PANAMA-UNITED STATES ONE.

(B) THE PRESIDENT, ACCORDINGLY, HAS AUTHORIZED THE NEGOTIATORS TO RESUME THEIR TASK WITH THEIR PANAMANIAN COUNTERPARTS, AND THEY PLAN TO RETURN TO PANAMA DURING THE FIRST HALF OF SEPTEMBER, IF THAT IS CONVENIENT TO PANAMA.

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(C) THE PRESIDENT INTENDS THAT, FOR THE UNITED STATES' PART, THE NEGOTIATIONS PROCEED IN A SERIOUS MANNER TO A SATISFACTORY CONCLUSION.

(D) THE PRESIDENT ASKS THAT HIS DECISION IN THIS MATTER REMAIN A PRIVILEGED MATTER BETWEEN THEM FOR THE TIME BEING. WE TENTATIVELY BELIEVE THIS CAN BE MADE PUBLIC, IF GENERAL TORRIJOS WOULD PREFER TO DO SO ANYTIME AFTER AUGUST 8.

APPROVE

DISAPPROVE

CLEARED BY S/AB: AMBASSADOR BUNKER; AND S: P. BARBIAN
INGERSOLL

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TOSEC, FOREIGN RELATIONS, NEGOTIATIONS, INTERNATIONAL CANALS, DIPLOMATIC COMMUNICATIONS, CAT-C
Control Number: n/a
Copy: SINGLE
Draft Date: 31 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE180558
Document Source: CORE
Document Unique ID: 00
Drafter: ARA/PAN:SMOREYBELL:ZC:HE
Enclosure: n/a
Executive Order: OA
Errors: N/A
Film Number: P850036-2328, N750003-0070
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975073/aaaaacnt.tel
Line Count: 218
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NODS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: NODIS
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: NODIS
Reference: 75 TOSEC 80145
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 12 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 SEP 2003 by SmithRJ>; APPROVED <29 OCT 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REVISED ACTION MEMORANDUM: PANAMA- PROPOSED MESSAGE TO TORRIJOS (S/S 7515366)
TAGS: PFOR, PREL, US, PN, PQ, DOD, (JORDAN, BILL), (TORRIJOS HERRERA, OMAR)
To: SECRETARY
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006